

## **REMARKS**

Claims 1-44, 46-50, and 57 are pending. Allowable subject matter was indicated in the Final Office action dated January 9, 2008. The present amendment rewrites claims according to the subject matter indicated to be allowable so that all claims are in condition for allowance.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 38 and 39 were rejected under 35 USC 102 and are now canceled.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-5, 7, 8, 11-20, 23-32, 35, 36, 40-42, 44-48, and 50-57 were rejected as obvious.

Claim 10 was indicated to be allowable if rewritten in independent form. All elements previously recited in claim 10 (now canceled) are now recited in claim 1, which thus corresponds to claim 10 in independent form. Therefore, claim 1 and its dependent claims 2-9, 11-12, 40, 46, 52, and 55 are in condition for allowance.

Claim 22 was indicated be allowable if rewritten in independent form. All elements previously recited in claim 22 (now canceled) are now recited in claim 13, which thus corresponds to claim 22 in independent form. Therefore, claim 13 and its dependent claims 14-21, 23-24, 41, 47, 53, and 56 are in condition for allowance.

Claim 34 was indicated be allowable if rewritten in independent form. All elements previously recited in claim 34 (now canceled) are now recited in claim 25, which thus corresponds to claim 34 in independent form. Therefore, claim 25 and its dependent claims 26-33, 35-36, 42, 48, 54, and 57 are in condition for allowance.

Claims 37 and 49 were previously allowed. Claim 43 depends from claim 37 and is therefore also in condition for allowance.

Claims 38, 39, and 44 are canceled.

Claim 50 is amended to depend from claim 37, which is allowed. Therefore, claim 50 is in condition for allowance.

**Claim Rejections Under 35 U.S.C. §101**

Claims 25-36, 39, 42, 48, 54, and 57 were rejected under 35 U.S.C. §101 as directed to nonstatutory subject matter because the term “computer readable medium” was interpreted to include a carrier wave. However, claim 25 recites, “A computer program product comprising a tangible computer readable medium...” Because carrier waves are not tangible, this language would not include such intangible media and thus clearly defines patentable subject matter. Therefore, it is submitted that all claims are in compliance with 35 USC 101.

**CONCLUSION**

Accordingly, it is believed that this application is now in condition for allowance and an indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned at 510-663-1100 would be appreciated.

Respectfully submitted,  
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